

Appl. No. 09/450,640  
Amdt. dtd. May 17, 2005  
Reply to Office action of February 17, 2005

### REMARKS/ARGUMENTS

This amendment is submitted in response to the final Office action and to the Examiner's telephone conversation with Mr. John G. Mills, Patent Counsel for the Naval Air Systems Command on or about April 13, 2005. Pursuant to these conversations, the applicant is now filing a Request for Continued Examination (RCE) and presenting the subject matter of the claims that the Examiner had previously indicated was allowable so as to expedite and advance the prosecution of this case. The applicant is now canceling all claims and presenting newly drafted claims 39—49 which capture the subject matter of the claims previously indicated to be *allowable* in previous Office actions, namely new claim 39 corresponds to claims 1 and 2, new claim 48 corresponds to claim 18 including features of the base claim and any intervening claims, and finally new claim 49 corresponds to claim 28.

#### Rejections under 35 U.S.C. Section 112.

The Examiner has not rejected the claims under this statute section so the claims are allowable as being patentably distinct and based on an adequate disclosure. Thus the claims are believed to be allowable under 35 U.S.C. Section 112.

#### Rejections under 35 U.S.C. Section 103

The Examiner has rejected the previously presented claims as being obvious in view of Jordan et al. (U.S. Patent 6,249,241 B1) in combination with Thomason (U.S.

Appl. No. 09/450,640  
Amdt. dtd. May 17, 2005  
Reply to Office action of February 17, 2005

Patent 6,137,039 B1). The Examiner admits that the Thomason reference fails to teach the communication equipment onboard ship consisting of a radio telephone system, a time encoder operable with a global positioning system, and the graphical display of operator control interface with scenario control buttons for selection of desired virtual frequency channel of the WAN. However, the Examiner asserts that these features are taught by Jordan.

In response the applicant submits that the Examiner has not shown the required motivation to combine Jordan with Thomason, and that there are no features that would teach one of ordinary skill in the art to use Jordan in combination with Thomason. ACS Hospital Systems, Inc. v. Montefiore Hospital, 221 USPQ 929, 933 (Fed. Cir. 1984), In re Lulu, 223 USPQ 1257, 1258 (Fed. Cir. 1984). The Examiner's statement of motivation as to safety does not focus on the required motivation to combine elements which are the applicant's claimed invention.

Additionally, the applicant has now presented language, which specifically indicates integrating the communications equipment, or different species of communication equipment as indicated by the Examiner.

#### Conclusion

In view of the foregoing newly submitted claims, the canceling of all the previously submitted claims, and the arguments overcoming the prior art and any other objections, the applicant now submits that the instant claims are in a condition for allowance and urgently asks that the Examiner pass this case to issue.

Appl. No. 09/450,640  
Amdt. dtd. May 17, 2005  
Reply to Office action of February 17, 2005

If there are any difficulties or matters that require further attention, the Examiner is asked to telephone the applicant's attorney Mr. Eliot Abolafia at Naval Air Systems Command, (407) 380-8211.

Respectfully submitted,



Eliot Abolafia  
Registration # 43,456  
Department of the Navy  
Office of Counsel, NAVAIR Orlando TSD  
12350 Research Parkway  
Orlando, Florida 32826-3275

Date: May 17, 2005